

EDWARD H. KUBO, JR. (2499)  
United States Attorney  
District of Hawaii  
THOMAS A. HELPER (5676)  
Room 6-100, PJKK Federal Bldg.  
Assistant U.S. Attorney  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-3752  
E-mail: tom.helper@usdoj.gov

Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG LEK
	)	
Plaintiff,	)	FEDERAL DEFENDANTS' RESPONSES
	)	TO PLAINTIFF'S FOURTH REQUEST
v.	)	FOR PRODUCTION OF DOCUMENTS
	)	
SIDNEY HAYAKAWA, Director of	)	
Transportation Security	)	
Administration - Honolulu,	)	
KEN KAMAHELE, Deputy	)	
Director, TRANSPORTATION	)	
SECURITY ADMINISTRATION;	)	
MICHAEL CHERTOFF, Secretary,	)	
Department of Homeland	)	
Security, DEPARTMENT OF	)	
HOMELAND SECURITY; JOHN DOES	)	
1-5,	)	
Defendants.	)	
	)	

FEDERAL DEFENDANTS' RESPONSES TO PLAINTIFF'S  
FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW federal defendants, Sidney Hayakawa, Director  
of Transportation Security Administration - Honolulu, Ken  
Kamahele, Deputy Director, Transportation Security Administration

- Honolulu, Transportation Security Administration, and Michael Chertoff, Secretary, Department of Homeland Security, and responds to Plaintiff's Fourth Request for Production of Documents as follows:

1. Copy of TSA Management Directive No. 1900.4, FY03-04 Annual Proficiency Review.

**RESPONSE:**

Both the Management Directive and the portion of plaintiff's Annual Proficiency Review that are not protected by the Sensitive Security Information (SSI) regulations have already been produced. To the extent this request seeks other documents, defendants object that the request is vague, that the documents sought may be protected by the Privacy Act or SSI regulations, and that the request is not reasonably calculated to lead to the discovery of admissible evidence.

2. Proof that the testers for Module 3 of this certification test were properly certified.

**RESPONSE:**

Defendants do not have any documents responsive to this request. TSA entered into a contract with Lockheed Martin, who, through subcontractors, fulfilled their obligation to administer module 3 in 2003.

3. Any studies and/or verification that Module 3 of the certification test administered to Plaintiff was validated and a proper test for the position in question and consistent with business necessity.

**RESPONSE:**

Defendants do not have any responsive documents because the nature of the Module 3 process does not require any verification or validation. Module 3 is a work sample test, in which the screeners are asked to demonstrate what they are actually doing on the job pursuant to the Standard Operating Procedure (SOP). The SOP itself is protected by SSI regulations.